

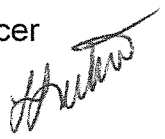


City of Santa Barbara Police Department

Memorandum

DATE: September 14, 2018

TO: Crystal Bedolla, Police Officer

FROM: Lori Luhnnow, Police Chief 

SUBJECT: FINAL NOTICE OF DISMISSAL

After carefully considering the information provided by both you and your representative at the August 29, 2018 pre-disciplinary *Skelly* meeting, I have decided that it is appropriate to proceed with the recommended discipline of dismissing you from your job as a Police Officer with the City of Santa Barbara, effective immediately. The basis for my decision is outlined in section three (III) of this document.

I. Rules, Regulations, and Statutory Violations:

- A. Santa Barbara City Charter Section 1007 on the basis of insubordination, dishonesty, acts inimical to the public service, and inattention to duties.
- B. The Santa Barbara Police Department Policy Manual §340.3.5 (e) – Performance, which states:

Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority. (There are two separate counts/occasions where this occurred)

- C. The Santa Barbara Police Department Policy Manual §446.3.1 (a) MAV, which states:

All field contacts involving actual or potential criminal conduct, within video or audio range... Once the MAV system is activated, it shall remain on and shall not be turned off until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses, victims, etc. have been interviewed.

- D. The Santa Barbara Police Department Policy Manual §340.3.5 (c) - Performance, which states:

Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments

or instructions of supervisors without a reasonable and bona fide excuse. (There are two separate counts/occasions where this occurred)

- E. The Santa Barbara Police Department Policy Manual §340.3.5 (p) - Performance, which states:

Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work related investigation.. (There are two separate counts/occasions where this occurred)

- F. The Santa Barbara Police Department Policy Manual §340.3.5 (i) – Performance, which states:

The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

- G. The Santa Barbara Police Department Policy Manual §340.3.5 (ad) – Performance, which states:

Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

- H. The Santa Barbara Police Department Policy Manual §340.3.5 (q) – Performance, which states:

Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

II. Factual Basis of Recommended Disciplinary Action:

The factual basis for this action is that outlined in the Notice of Intent to Dismiss issued to you on July 16, 2018, including Exhibits 1 through 3 that were attached to that document. The factual basis remains unchanged. Therefore, I have included (as attachment 4) another copy of the Notice of Intent to Dismiss and the attached exhibits for your reference.

III. Pre-Disciplinary Meeting and Decision:

On August 29, 2018, you participated in the pre-disciplinary *Skelly* meeting with your representative John Kristofferson. I asked if you reviewed the Notice of Intent to Dismiss that was issued to you as well as the accompanying documents, and evidence prior to the *Skelly* meeting. You responded that you did.

During the meeting, you provided me with your reasons against the proposed discipline. You mentioned that the notice was a difficult document to read because it "challenged your character

and called you a liar." You believe that this is contradictory to how you value your character and the standard to which you hold yourself to. On the other hand, you revealed that after taking the time to reflect on the situation, you realized that you made mistakes which constituted violations of policy, but that they were done unintentionally. At the *Skelly* meeting you were apologetic for what occurred, because you believed your actions affected you and the Department's reputation.

You also acknowledged that you have grown through this internal investigation process to which similar mistakes would not occur again, and that you would go on to make the Department proud. You asserted that you have made a drastic change in working with Lieutenant Aaron Baker and Sergeant Riley Harwood. You expressed that you have had sixteen years of positive service with the Department, and that there are co-workers that can attest to your good character. Mr. Kristofferson, also mentioned that you did not have any previous discipline before this Internal Investigation.

You addressed the issue of dishonesty, by stating that you didn't lie to Lieutenant Hill during the Internal Affairs investigation, because you then had an opportunity to discuss matters that you didn't have the chance to do before, and that you did not intend to lie to Sergeant Corbett, as you only withheld information because you believe Sergeant Corbett did not need to know since it was a personal matter. You added that since that time you have learned "when you are here you are here" (meaning on duty).

I carefully considered everything that you and your representative stated in your *Skelly* meeting. I would like to start off by acknowledging your forthrightness and the self-awareness/recognition of your actions, not only as how it pertains to yourself but to the Department as a whole. I have tremendous respect for any contrition you showed as well as your recognition of the seriousness of these issues.

Nevertheless, I deem the level of discipline given to be appropriate for several reasons. First, the substance of the dishonesty at issue directly relates to your duties as a police officer because you made a misrepresentation in your police report, as well as to your supervisor, Sergeant Corbett. In your police report you wrote "[W]hile en-route to a call, I drove in the area of 200 W. Montecito Street and noticed a possible vehicle parked alongside the east curb in the 300 block of Bath Street." You contacted a Department records employee, Marisa Lopez, to notify the owner/victim to respond to the scene of the stolen vehicle. That action in itself was a demonstration of poor judgment, because it potentially compromised the safety of a member of the public.

When Sergeant Corbett inquired about the incident you stated you were en-route to another call, clearly indicating that you had no time to stop and attempt to contact suspects or complete a stolen vehicle recovery. However, during your Professional Standards Interview you were notified that your patrol vehicle's GPS system indicated that you were parked in the 300 block of Bath Street (the area of the stolen vehicle) for over 4 minutes, you finally disclosed that you had a "personal" conversation with an off-duty officer. This information contradicts your response to Sergeant Corbett and what was stated in the police report.

Your explanation in your *Skelly* meeting does not provide a clear or valid reason why the policy violations should not be sustained nor why the level of discipline is not appropriate. I am unclear on how you were not being untruthful with Lieutenant Hill during your interview because it was only when you were confronted with the evidence of the GPS did you finally disclose that you

had a conversation with an off-duty officer. Furthermore, there is no excuse not to disclose this information under the pretense that it was a personal matter. The issues involved and the inquiries from Sergeant Corbett and Lieutenant Hill were not about the subject matter of the discussion you had with this off-duty officer, but where you were while on duty in regards to the recovery of this stolen vehicle.

In addition to this incident, there were several other incidents of insubordination where you made numerous deliberate decisions that were contrary to orders given by your supervisor. While these incidents were not specifically discussed by you in your *Skelly* meeting I find that these incidents coupled with the incident of dishonesty further supports the decision to uphold the dismissal. Also, while your representative stated that you had a lack of previous discipline, I am aware that you have had a previous sustained department policy violation in 2015, where it was determined that you used your status as a police officer in attempt to gain influence in a non-department related incident.

In conclusion, there is no doubt that Police Officers are held to a higher standard because of their important duty of serving and protecting the public. To that end, it is extremely important for police officers to gain and preserve the public trust and maintain public confidence in the integrity of police officers. Examples on why truthfulness is essential to the position of a police officer include: police officers relying on the validity of information provided to them by fellow officers; supervisors rendering decisions based on information received from officers; prosecutors depending on honest and accurate reports or statements; and Judges relying on honesty in evaluating warrants. Therefore, it is imperative that officers adhere to a strict code of truthfulness at all times. In accepting employment by the public, officers take a sworn oath that they will not engage in conduct which calls into question whether they at all times will truthfully perform their official responsibilities. I agree with the findings of the investigation. Furthermore, no evidence or compelling argument was presented by you at the *Skelly* meeting to cast any reservation or uncertainty on the findings. Consequently, I have elected to sustain the recommended discipline.

IV. Joint and Severable Nature of the Findings of Misconduct:

It is imperative that you be aware that my decision terminating your employment (need not be predicated upon a finding that you violated each and every rule, regulation, or order described above, or that you committed each and every act of misconduct described above. In fact, the findings of misconduct, when taken separately, individually support your dismissal.

V. Materials in Support of My Recommendation:

Pursuant to *Skelly v. State Personnel Board*, I am providing you with copies of all materials upon which this notice is based:

Exhibit 1: Professional Standards Investigation

Exhibit 2: Copy of Santa Barbara City Charter Section 1007.

Exhibit 3: Copy of Santa Barbara Police Department Policy Manual sections 340.3.5 (e), (c), (p), (i), (ad), (q), and 446.3.1 (a).

Exhibit 4: Notice of Intent to Dismiss, dated July 16, 2018

VI. Warning Against Retaliation:

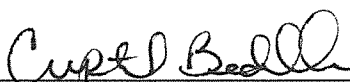
This provision is to notify you that it is illegal and inappropriate to retaliate against any person who has participated in complaining or providing information regarding allegations of performance / conduct unbecoming. You may not contact or in any manner retaliate against any individual who has provided information to the City of Santa Barbara or this department regarding your conduct.

VII. Post-Disciplinary Appeal Rights:

You have the right to appeal this action of dismissal. Your appeal of this action must be in writing and filed within ten (10) working days of your receipt of this Final Notice of Dismissal. Your written appeal must be filed by October 1, 2018 with the City Clerk's Office, P.O. Box 1990, Santa Barbara, CA 93102-1990 (Street Address: 735 Anacapa Street, Santa Barbara, CA 93101). If you do not file a written appeal to this Notice of Dismissal by October 1, 2018, this will constitute a waiver of your right to appeal.

You have the right to respond to this memo in writing. If you choose to respond in writing, you have thirty (30) days from the receipt of this memo to respond. Your written response, if any, shall be attached to and will accompany this memo in your personnel file, along with the prior Notice of Intent to Dismiss.

RECEIVED:



Crystal Bedolla

9-14-18

DATE

Cc:

Human Resources, Personnel File
Department File
City Attorney's Office

Benefit Information

COBRA: When an employee is separated from employment with the City of Santa Barbara, his/her coverage under the City's group insurance plans (medical, dental, vision, etc.) is terminated on the last day of the current month. However, such an event would allow you to continue your City-sponsored insurance coverage for up to eighteen (18) months under provisions of the Consolidated Omnibus Reconciliation Act of 1985 (COBRA). Medical coverage can be extended for an additional eighteen (18) months per CalCOBRA, for a total continuous medical coverage of 36 months.

You will receive a packet of information from Businessolver, Inc., the City's COBRA Administrator, notifying you of your COBRA election options. Please note that Businessolver, Inc. has fourteen (14) days from the date they are notified to mail the packet to you. From this date you will have sixty (60) days to decide whether you will elect COBRA continuation coverage. Upon receiving your COBRA election, Businessolver, Inc. will mail you payment instructions.

Life Insurance: You also have the ability to convert your group life insurance to an individual policy. If you are interested you can obtain an information card for conversion at the City Benefits Office. Complete the card and mail it to the Hartford Life Insurance Company. You must apply for conversion within thirty-one (31) days from your separation date.

PERS: Employees who are vested in PERS have the ability to leave their PERS funds on deposit, or to take distribution based on a personal decision. If you were employed as a regular employee for fewer than five (5) years, you may leave your contributions on deposit, or transfer the funds to a credible account. Please be aware that cash refunds are subject not only to income taxes, but also excise taxes. PERS will contact you directly with more information about your options.

Should you have any questions regarding COBRA continuation coverage, please contact Businessolver, Inc. (toll-free) at 1-877-547-6257. All other questions regarding benefits should be directed to the City of Santa Barbara Benefits Office at (805) 564-5400.